



**FEDERATION EUROPEENNE DES MEDECINS SALARIES
EUROPEAN FEDERATION OF SALARIED DOCTORS**

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Date :	April 26, 2007	Document F07-023 EN
Title:	Common work with the European Institutions	
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1. European Commission (EC)

The contacts of the FEMS Board are primarily with the Commissioners concerned by the significant files of the moment.

a. The Commissioner V Spidla and his departments, in charge of the revision of the ED 2003/88 on certain aspects of the working time (EWTD) and the Consultation on the modification of the Labour Law (the Green Paper)

M Kubek, FEMS VP, maintains the contact with the Commissioner Spidla, former Prime Minister and Minister of Health of Czech Rép., who FEMS had met in January 2005.

The coordinators of the FEMS WG on the ED 2003/88 revision (C Amaya, C Wetzel) compiled the policy statement **FEMS F07-013**, transmitted to the CPME for integration in the common document **CPME 2007-054 Final**.

b. The Commissioner M Kyprianou and the DG SanCo, in charge of the project of Health services Directive

During the preliminary works for the adoption of the Services ED known as "Bolkestein", Health had been withdrawn from it. But the Council, the Parliament and the Court of Justice of Luxembourg, wearied by the legal gap in the matter (Watts ruling), expressed a strong demand to the Commission for a launch of a Consultation for the drafting of a future **health services Directive**. This consultation is in process. The ED must organize free movement of the patients and establish a co-operation between the Health systems (of very different structure), while ensuring a greater transparency on their services and their performances.

The coordinator of the FEMS WG on this file (M Kubek) took part in the CPME/EMO's common document **CPME 2007-010**.

c. Integration of the ED 2005/36 on the recognition of professional qualifications/IMI

ED 1993-16 of mutual recognition of professional qualifications was replaced by the **ED 2005-36** which will have to be integrated in the national legislations by October 20, 2007, at the latest. This text, which relates to the validity of the university courses, was elaborated in close cooperation with the European Union of Specialists (UEMS), which

gathers the teachers of Medicine. It organizes free movement of the professionals and sets up a questionnaire for each professional, allowing the exchange of information between regulation authorities (the Medical Chambers), in the event of installation in another country of the EU and obtaining the diploma. The coordinator of the FEMS WG (B Popovic) took part in CPME/EMO's common document [CPME 2007-027 Final](#).

d. The Commission's transparency initiative

The Commission invites lobbyists and interest groups to be registered in a public register ([IP/07/367](#)). This register will be opened in spring 2008 and during 1 year. The FEMS will require its inscription on this register, to be listed among the interest representatives invited in the public consultations that the Commission will launch in the fields of interest of the FEMS: patients' health, the organization of the Healthcare systems and rights and interests of the salaried doctors.

2. The Council of the Union (CU)

It is one of the two Institutions, with the EP, politically decision maker of the European legislation in the procedure of co-decision installed by the Nice Treaty.

ED 2003-88 concerning certain aspects of the working time is under revision process since 2 years. The 4 subjects of political tensions are the opt-out (possibility for the employee of exceeding the 48h weekly work in additional time, on the basis of voluntariate), the reference period (currently the four-month period), the rest period (currently: immediate) and a new proposal of the Commission: the definition of "inactive periods" during the resident on-call duty, not counted in the working time.

The United Kingdom, supported by Germany and Poland, wishes to maintain the possibility for the employee of working additional time, in the name of the flexibility and of the liberalization of the labour market. France does not subscribe to this request for maintenance, which is contrary to the engagements taken by the United Kingdom 13 years ago, during the drafting of the original ED 93-104. The European Parliament, by a vote of May 11, 2005, asked for the abrogation of this possibility of additional time, estimating that its maintenance, in addition to the workers health attack (*and the safety of patients NDLR*), introduces a possibility for unfair competition and a risk for social dumping.

At the last European Council of November 7, 2006 for the revision of ED 2003/88 (EWTD), the Commission's proposal for a 2nd reading was studied, which was worked out by the Finnish Presidency; France joined Spain, Italy, Greece and Cyprus to form a blocking minority, preventing the United Kingdom and its allies to obtain satisfaction on the maintenance of the opt-out.

C Wetzel met in Paris, the 15.01.2007, the Deputy-Head of the Cabinet of G Larcher, French Minister for Employment, member of the EU Council. At this meeting, documents recalling the FEMS position on the subject were handed out.

All the FEMS delegations are requested to do the same towards their Ministers, members of the EU Council.

3. The European Parliament (EP)

It is the second European legislative Institution, with the Council of the Union, politically decision maker of the European legislation in the procedure of co-decision installed by the Nice Treaty.

The FEMS President (C Wetzel) and the VP (C Amaya) met in Strasbourg, the 11.12.2006, A Cercas (MEP/PSOE), rapporteur of the Employment and Social Affairs Commission of the EP on the revision of ED 2003/88 (EWTD) and J Silva Peneda (MEP/PPE-DE), former Portuguese Minister for Employment who, at the time of the Portuguese Presidency of the UE in 1993, had directed the finalization of the original ED 93/104. During this working dinner, documents recalling the FEMS position on the subject were handed out.

The recent attempt from certain liberal MEP (ALE) to reintroduce Health in the "Bolkestein" Services ED, must mobilize all FEMS delegations and the FEMS Board to cross this attempt at the vote at a plenary of the EP.

The friendly relations between C Wetzel and J Daul (MEP), Chairman of the most powerful political group of the EP (PPE-DE), and some influential MEP of the second major group at the EP, the ESP, are reactivated in this matter.

All the FEMS delegations are requested to do the same towards their Deputies, members of the EP.

4. The Council of Europe (CoE)

The current evolution of the Healthcare systems in Europe with organized "medical tourism" of the patients, in complement of the free movement of health professionals , is likely to generate paradoxical migratory flows, originating real medical deserts in Central and Eastern European countries. What would happen in these countries to patients with modest incomes, in a degraded health system with the rare health professionals who will not have migrated towards countries with more favorable working conditions? The FEMS is worried about this evolution since years and adopted a clear motion (F 06-27) during its General assembly of Paris in May 2006, adopted by the Standing Committee of European Doctors CPME in June 2006 and transmitted to the European Commission.

The right for care is recognized in the European Union's Fundamental Rights Charter and in the European Convention of Human Rights. In order to improve the defense of patient's rights and those of the European salaried doctors who treat them, the FEMS applied for the associated status of Non-Governmental Organization (NGO) with the CoE.